

*A Service for
Inventors....*

**THE U.S. PATENT AND
TRADEMARK OFFICE**

DISCLOSURE DOCUMENT PROGRAM



*What It Is and How
to Use It*

JANUARY 1, 1997

DISCLOSURE DOCUMENT PROGRAM

A service provided by the U.S. Patent and Trademark Office (PTO) is the acceptance and preservation for two years of "Disclosure Documents" as evidence of the date of conception of an invention.

A paper disclosing an invention (called a Disclosure Document) and signed by the inventor or inventors may be forwarded to the PTO by the inventor (or by any one of the inventors when there are joint inventors), by the owner of the invention, or by the attorney or agent of the inventor(s) or owner. The Disclosure Document will be retained for two years, and then be destroyed unless it is referred to in a separate letter in a related patent application filed within those two years.

THE DISCLOSURE DOCUMENT IS NOT A PATENT APPLICATION, AND THE DATE OF ITS RECEIPT IN THE PTO WILL NOT BECOME THE EFFECTIVE FILING DATE OF ANY PATENT APPLICATION SUBSEQUENTLY FILED. LIKE PATENT APPLICATIONS, THESE DOCUMENTS WILL BE KEPT IN CONFIDENCE BY THE PATENT AND TRADEMARK OFFICE.

This program does not diminish the value of the conventional, witnessed, permanently bound, and page-numbered laboratory notebook or notarized records as evidence of conception of an invention, but it should provide a more credible form of evidence than that provided by the popular practice of mailing a disclosure to oneself or another person by registered mail.

CONTENT OF DISCLOSURE DOCUMENT

The benefits afforded by the Disclosure Document will depend directly upon the adequacy of the disclosure. It is strongly recommended that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient

detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included. The use or utility of the invention should be described, especially in chemical inventions.

PREPARATION OF THE DOCUMENT

A standard format for the Disclosure Document is required to facilitate the PTO's electronic data capture and storage. The Disclosure Document (including drawings or sketches) must be on white letter-size (8 1/2 by 11 inch) or A4 (21.0 by 29.7 cm) paper, written on one side only, with each page numbered. Text and drawings must be sufficiently dark to permit reproduction with commonly used office copying machines. Oversized papers, even if foldable to the above dimensions, will not be accepted. Attachments such as videotapes and working models will not be accepted and will be returned.

OTHER ENCLOSURES

The Disclosure Document must be accompanied by a separate cover letter signed by the inventor stating that he or she is the inventor and requesting that the material be received under the Disclosure Document Program. The inventor's request may take the following form:

"The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years."

The original submission will not be returned. A notice with an identifying number and date of receipt in the PTO will be mailed to the customer, indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired.

WARNING TO INVENTORS

The two-year retention period is not a "grace period" during which the inventor can wait to file his or her patent application without possible loss of benefits. It must be recognized that, in establishing priority of invention, an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application after the filing of the Disclosure Document.

Inventors are also reminded that any public use or sale in the United States or publication of the invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a U.S. patent on it. Foreign patent laws in this regard may be much more restrictive than U.S. laws.

The PTO advises inventors who are not familiar with the requirements of U.S. patent law and procedures to consult an attorney or agent registered to practice before the PTO.

A publication, *Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office*, can be obtained for \$31.00 from:

Superintendent of Documents
P.O. Box 371954
Pittsburgh, PA 15250-7954
202-512-1800

The list can also be purchased from the U.S. Patent and Trademark Office on floppy diskette or CD-ROM by calling 703-306-2600. The attorneys and agents list may be examined without charge at Patent and Trademark Depository Libraries (PTDLs) and at many other libraries throughout the U.S. and on the Internet at <http://www.uspto.gov> and <ftp.uspto.gov>. Many large cities also have associations of patent attorneys and agents which may be consulted.

DISPOSITION

The Disclosure Document will be preserved by the PTO for two years after its receipt. It will be destroyed unless it is referred to in a separate letter in a related patent application filed within the two-year period. The separate letter filed in the related patent application must identify not only the patent application, but also the Disclosure Document by its title, number, and date of receipt in the PTO. Acknowledgment of such letters will be made in the next official communication or in a separate letter from the Patent and Trademark Office.

FEE

A fee of \$10 in the form of a check or money order made payable to "Commissioner of Patents and Trademarks" must accompany the Disclosure Document when it is submitted to the Patent and Trademark Office. Documents without the full fee will be returned. Mail the Disclosure Document with payment to:

Box DD

**Assistant Commissioner for Patents
Washington, DC 20231**

A copy of a Disclosure Document as filed in the Patent and Trademark Office will be furnished upon receipt of a written request (by the original submitter only) and a fee of \$25.

Fees are subject to change annually. To confirm current fees, the PTO General Information Services Division (GISD) Customer Service Representatives can be reached from 8:30 a.m. to 5:00 p.m. Eastern Time, Monday through Friday (except federal holidays) by calling **800-PTO-9199** or **703-308-HELP**. The GISD fax number is 703-305-7786. A Telecommunications Device for the Deaf (TDD) can be reached by calling 703-305-7785. Find the current fee schedule and other information about the PTO at <http://www.uspto.gov> and <ftp.uspto.gov>.

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WASHINGTON, DC 20231**

PTDLs

As a service to PTO's customers, the two Partnership Patent and Trademark Depository Libraries (PTDLs) listed below have been authorized to act as PTO's "agents" in accepting documents under the Disclosure Document Program. This service provides customers with a completed transaction on-site, eliminating the wait for PTO notification of acceptance. The documents are stamped with an identifying number and date at the time of receipt by the PTDL. Original documents are sent to the PTO for processing and retention.

SUNNYVALE CENTER FOR INNOVATION, INVENTION AND IDEAS (Sci³)

465 South Mathilda Avenue 408-730-7290 or
Sunnyvale, CA 94086 408-737-4945

GREAT LAKES PATENT AND TRADEMARK CENTER AT THE DETROIT PUBLIC LIBRARY

5201 Woodward Avenue (second level)
Detroit, MI 48202 313- 833-3379

To locate a Patent and Trademark Depository Library (PTDL) near you, consult the complete listing of PTDLs found in every issue of the *Official Gazette*, call the PTO General Information Services Division at **800-PTO-9199** or **703-308-HELP**, or access the PTO's Internet sites at <http://www.uspto.gov> and <ftp.uspto.gov>. The nationwide network of PTDLs has collections of patents and patent-related reference materials available to the public, including automated access to PTO data bases. Contact the PTDL prior to your visit to learn about its collections, services, and hours.

PROVISIONAL APPLICATION FOR PATENT

Inventors also have the option of filing a Provisional Application for Patent. This program was established in June 1995. A brochure is available on this related service. Copies can be obtained by calling **800-PTO-9199** or **703-308-HELP**.
